

U.S. APPLICATION NO. 10/607,070
ATTORNEY DOCKET NO. 64118.000140

III. REMARKS

Claims 1-33 are currently pending. The Office Action has been received and carefully considered. Reconsideration of the assertions made in the Office Action is respectfully requested based on the following remarks.

The Office Action requires that Applicants elect among "one species from the summary of the invention (paragraphs 0005 to 0028), there are approximately 110 different embodiments described. The species are independent or distinct because different species/embodiments require different search queries." Office Action, Page 2.

On April 13, 2006, Applicants' representative contacted Examiner Baxter requesting clarification regarding the election requirement. Examiner Baxter informed Applicants' representative that, in view of the large number of species disclosed in the Summary of the Invention, an election to one of those species was required. The Examiner further informed Applicants' representative that all claims may be elected so long as an election to one of the species in the Summary of the Invention was made. Applicants would like to thank the Examiner for the courtesy extended to Applicants' representative.

According to the MPEP, in requiring an election of species, the following actions should be taken:

(A) Identify generic claims or indicate that no generic claims are present. See MPEP § 806.04(d) for definition of a generic claim.

(B) Clearly identify each ... of the disclosed species, to which claims are to be restricted. The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species cannot be conveniently identified, the claims may be grouped in accordance with the species

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to which they are restricted. Provide reasons why the species are independent or distinct.

MPEP 809.02(a) (emphasis added). The Office Action has not provided this information to Applicants. Specifically, other than a vague reference to paragraphs 0005-0028 of the Summary of the Invention, the Office Action has not provided any information regarding the scope of the election requirement. For example, no figures, examples, or distinguishing features pertaining to the allegedly patentably distinct species have been identified. Therefore, because the allegedly patentably distinct species have not been clearly identified, Applicants submit that this restriction is improper.

In addition, the Office Action has failed to provide any reasons why the restriction is proper. Because no allegedly patentably distinct species have been identified for restriction, Applicants cannot determine whether there are any valid reasons for restriction. In sum, Applicants respectfully request that this restriction requirement be withdrawn.

Although no allegedly patentably distinct species have been identified, Applicants nevertheless note that claims 1-33 are summarized in Paragraph 0028 of the Summary of the Invention. In the event that dependent claims 2-33 are alleged to be directed to patentably distinct species, independent claim 1 is generic to these claims. Therefore, Applicants elect the species summarized in Paragraph 0028 (claims 1-33), with traverse, for prosecution on the merits.

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IV. CONCLUSION

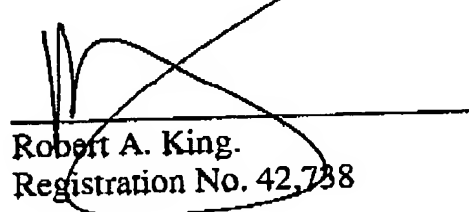
No additional fee is believed to be required. Nevertheless, in the event that the U.S. Patent and Trademark Office requires any additional fee, please charge such fee to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

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By:


Robert A. King.
Registration No. 42,738

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)